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**FILED**

DISTRICT COURT OF GUAM

FEB 20 2007 

**MARY L.M. MORAN**  
CLERK OF COURT

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11 Cross-Complainant, and Third-Party Complainant  
12 S.J. GARGRAVE SYNDICATE 2724

8ZP843W

**IN THE DISTRICT COURT OF GUAM**

**TERRITORY OF GUAM**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

17 vs.

18 INCHCAPE SHIPPING SERVICES GUAM,  
19 LLC,

20 Plaintiff in Intervention,

21 vs.

22 MARWAN SHIPPING & TRADING CO.,  
23 FIVE SEAS SHIPPING CO., LLC, and S.J.  
24 GARGRAVE SYNDICATE 2724, *in  
personam*,

25 Defendants.

26 AND CROSS-CLAIMS, COUNTERCLAIM,  
27 AND CLAIM IN INTERVENTION

Civil Case No.: 06-00011

**NOTICE OF MOTION AND MOTION  
OF S.J. GARGRAVE SYNDICATE  
2724'S MOTION TO DISMISS  
CROSSCLAIM OF MARWAN  
SHIPPING & TRADING CO., LLC,  
AND FIVE SEAS SHIPPING CO., LLC,  
OR ALTERNATIVELY TO STAY THE  
CROSSCLAIM  
[ORAL ARGUMENT NOT  
REQUESTED]**

Accompanying Documents: Memorandum  
of Points & Authorities, Affidavit of Myles  
A. Sunley, Table of Foreign Authorities,  
Proposed Order

Complaint Date: April 19, 2006  
Trial Date: None Set

Cross-Defendant S.J. GARGRAVE SYNDICATE 2724 (“Gargrave”) hereby moves the Court for an order to dismiss, or alternatively to stay, the Crossclaim of MARWAN SHIPPING & TRADING CO., LLC and FIVE SEAS SHIPPING CO., LLC. Gargrave’s motion is supported by this Notice and Motion, the accompanying Memorandum of Points & Authorities, Affidavit of Myles A. Sunley, including the exhibits appended thereto, and the records and files of the Court.

Dated this 20<sup>th</sup> day of February, 2007.

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THOMAS MCKEE TARPLEY,  
Attorneys for Defendant, Counter-Complainant,  
Cross-Complainant, and Third-Party Defendant  
S.J. GARGRAVE SYNDICATE 2724 *in  
personam*

## **CERTIFICATE OF SERVICE**

I, Thomas M. Tarpley, Jr., hereby certify pursuant to Rule 5(d) Fed. R. Civ. P. that on February 20, 2007, I caused to be served a true and correct copy of the **NOTICE OF MOTION AND MOTION OF S.J. GARGRAVE SYNDICATE 2724'S MOTION TO DISMISS CROSSCLAIM OF MARWAN SHIPPING & TRADING CO., LLC, AND FIVE SEAS SHIPPING CO., LLC, OR ALTERNATIVELY TO STAY THE CROSSCLAIM [ORAL ARGUMENT NOT REQUESTED]**, to the following:

R. Michael Underhill, Esq.

### Attorney in Charge

c/o Mike W. Schwab, Esq.

OFFICE OF THE UNITED STATES ATTORNEY

108 Hernan Cortez Avenue, Suite 500

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*and Five Seas Shipping Co., LLC*

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Attorneys for Intervenor

International Movers Shipping Services Guam LLC

Dated this 10 day of February, 2007.

W  
THOMAS McKEE TARPLEY,  
Attorney for Defendant  
S.J. GARGRAVE SYNDICATE 2724, *in personam*